



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: February 12, 2016

Re: **Synopses of Regulations received from 12/18/2015 through 2/11/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/catz

cc: Victoria L. Gruber
Alexandra Hughes

Public Works, Board of

Proposed Regulation

DLS Control No. 16-001

Board of Public Works:

Public School Construction:

Administration of the Public School Construction Program: COMAR 23.03.02.11

According to the board, the purpose of this action is to specify that window air-conditioning units are eligible expenditures for State funding.

Comptroller of the Treasury

Proposed Regulation

DLS Control No. 16-011

Comptroller of the Treasury:

Alcohol and Tobacco Tax:

Administration: COMAR 03.02.04.01

According to the office, the purpose of this action is to change the due dates for certain tax returns according to filing frequency by altering the due date from the tenth of the month to the fifteenth or twentieth depending on whether the taxpayer files quarterly, semiannually, or monthly.

Health and Mental Hygiene, Department of

Proposed Regulation

DLS Control No. 16-006

Department of Health and Mental Hygiene:

Board of Podiatric Medical Examiners:

Licensing and Continuing Education Requirements: COMAR 10.40.02.03

According to the department, the purpose of this action is to prohibit the Board of Podiatric Medical Examiners from accepting continuing education credit submissions of less than half an hour.

Proposed Regulation

DLS Control No. 16-007

Department of Health and Mental Hygiene:

Board of Dental Examiners:

Dental Radiation Technologist: COMAR 10.44.19.03

According to the department, the purpose of this action is to implement by regulation the Dental Board's established requirement that an applicant for certification as a dental radiation technologist successfully complete a Board-approved course of at least 24 hours related to Maryland dental radiology.

Proposed Regulations

DLS Control No. 16-008

Department of Health and Mental Hygiene:

Board of Dental Examiners:

Dental Assistants: COMAR 10.44.01.04 and .05

According to the department, the purpose of this action is to implement by regulation the Dental Board's established requirement that an applicant for recognition as a dental assistant qualified in orthodontics successfully complete a Board-approved course of at least 35 hours related to Maryland orthodontic dental assisting, and that an applicant for recognition as a dental assistant qualified in general duties successfully complete a Board-approved course of at least 35 hours related to Maryland general duties dental assisting.

Proposed Regulation

DLS Control No. 16-009

Department of Health and Mental Hygiene:

Hospitals:

Home Health Agencies: COMAR 10.07.10.05-.16

According to the department, the purpose of this action is to require a home health agency to be open for inspection by the Department of Health and Mental Hygiene to verify compliance with licensing regulations, to investigate complaints, and to inspect the operations of the home health agency at least every three years.

Proposed Regulation

DLS Control No. 16-012

Department of Health and Mental Hygiene:

Medical Care Programs:

Psychiatric Residential Treatment Facility (PRTF) Demonstration Waiver:

COMAR 10.09.79.01-.13

According to the department, the purpose of this action is to repeal the entire Psychiatric Residential Treatment Facility (PRTF) Demonstration Waiver chapter because federal authority for the demonstration waiver has expired. A majority of the PRTF services are covered under 1915(i) Intensive Behavioral Health Services for Children and Youth.

Proposed Regulation
DLS Control No. 16-013
Department of Health and Mental Hygiene:
Board of Dental Examiners:
Fees: COMAR 10.44.20.02

According to the department, the purpose of this action is to create a fee for a one-time one-year dental radiation technologist certificate in 2017 for those dental radiation technologists whose certificates end in an even number, resulting in a staggered renewal cycle for all certificate holders.

Public Safety and Correctional Services, Department of

Proposed Regulation
DLS Control No. 16-003
Department of Public Safety and Correctional Services:
Criminal Injuries Compensation Board:
General Regulations: COMAR 12.01.01.02 - .12

According to the department, the purpose of this action is to (1) update existing regulations to reflect a change to the statute increasing the time limit for filing a claim related to child abuse from the current two years to three years from the time the claimant knew or should have known about the child abuse; (2) establish alternate procedures for processing claims for supplemental awards for \$1,000 or less to improve processing; (3) reduce the requirement for mailing notification from certified mail return receipt requested to first class mail; (4) delete references to an outdated "sunset provision"; and (5) correct style and formatting issues.

Proposed Regulation
DLS Control No. 16-004
Department of Public Safety and Correctional Services:
Police Training Commission:
General Regulations: COMAR 12.04.01.05

According to the department, the purpose of this action is to update Police Training Commission regulations to conform with requirements of Public Safety Article, § 3-209.1, Annotated Code of Maryland and federal regulations (28 CFR Part 20 – Criminal Justice Information Systems), concerning procedures for fingerprinting and obtaining a criminal history records information on a police officer applicant.

Proposed Regulation

DLS Control No. 16-005

Department of Public Safety and Correctional Services:

Police Training Commission:

General Regulations: COMAR 12.04.01.14

According to the department, the purpose of this action is to alter the current requirement that a police officer applicant who completed police entrance-level training in another state or with the federal government complete entrance-level firearms training required by the Police Training Commission regulations. The applicant would be permitted to complete annual firearms classroom instruction and training and qualification in lieu of entrance-level training if the Deputy Director of the Police and Correctional Training Commissions determines that the applicant's entrance-level firearms training was equivalent to that currently required by the Police Training Commission regulations.

Secretary of State

Proposed Regulation

DLS Control No. 16-002

Executive Department:

Secretary of State:

Charitable Organizations: Substantive Regulations: COMAR 01.02.04.03

According to the Secretary, the purpose of this action is to ease the filing burden on charitable organizations that require additional time to submit annual fiscal reports to the Office of the Secretary of State. The proposed action allows this office to grant extensions without the need for organizations to submit a written request and by eliminating the need for an organization to be granted an extension by the Internal Revenue Service.

Insurance Administration, Maryland

Proposed Regulation

DLS Control No. 16-010

Maryland Insurance Administration:

Health Insurance – General:

Wellness Program Incentives: COMAR 31.10.38.01-.05

According to the administration, the purpose of this action is to replace the definition of “bona fide wellness program” with the defined term “wellness program,” consistent with § 27-210(h)(1) of the Insurance Article. Additionally, all references to the term “bona fide wellness program” in the chapter are being replaced by the term “wellness program.”